

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 14-515 RT (MRW)	Date	September 10, 2014
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Title	Becerra v. Colvin
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Present: The Honorable	Michael R. Wilner
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Veronica McKamie	n/a
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Deputy Clerk	Court Reporter / Recorder
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Attorneys Present for Petitioner:	Attorneys Present for Respondent:
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None present	None present
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Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL FOR DEFECTIVE SERVICE

This is an appeal from the denial of Social Security benefits. Plaintiff filed the action in March 2014. (Docket # 2.) In May 2014, Plaintiff filed a proof of service of the complaint and summons on the government. (Docket # 10.) The government has not appeared in the action yet.

The Court has real questions about the legitimacy of Plaintiff's service on the government. The proof of service (using a state court form) indicates that Plaintiff attempted to effect mail service on the "Office of General Counsel of the United States" without any specific mailing address. Additionally, the POS vaguely refers to compliance with the Federal Rule of Civil Procedure without identifying any specific provision.

Yet, because this is an action against the United States and an administrative agency, Federal Rule of Civil Procedure 4(i) appears to require a particular, three-part delivery of process to the United States Attorney's Office in Los Angeles, the Attorney General in Washington, D.C., and the agency itself. The proof of service fails to provide information sufficient to allow the Court to conclude that proper service occurred here.

Therefore, IT IS ORDERED that Plaintiff show cause why service is proper and the action should not be dismissed for failure to prosecute. Plaintiff will file a statement (not to exceed 5 pages) addressing the Court's concerns above by or before September 30. Alternatively, Plaintiff may attempt to properly serve the government in full compliance with Rule 4(i) and file an appropriate proof of service by the same date to discharge this OSC.